

City Council Agenda

Council President

Mike Dages

Councilmembers

Tom Boyajian
Brian Calhoun
Jerry Duncan

Henry T. Perea
Cynthia Sterling
Larry Westerlund

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

May 3, 2005

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. – 4:30 p.m. and re-played beginning at 8:30 p.m.

8:30 A.M. ROLL CALL

Invocation by Pastor Brad Grams of the West McKinley Assembly of God

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Council President Dages

Proclamation of "OLDER AMERICANS MONTH" – All Councilmembers

Proclamation of "DISTRICT ONE HISTORIC PRESERVATION'S LISA SCHUMACHER AND JUDY STENE DAY" – Councilmember Boyajian

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of April 19, 2005

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.)

- A. * Award a contract to A-C Electric of Fresno for traffic signal modification and miscellaneous concrete improvements at the intersection of "P" Street and Tulare Street – General Services Dept./Purchasing/Public Works Dept.
Action Taken:
- B. **RESOLUTION** - Of Intention to annex Final Tract No. 5141 to the City of Fresno CFD No. 2, Annexation No. 93, and setting the public hearing for June 7, 2005 at 10:25 a.m. – Public Works Dept.
Action Taken:
- C. **RESOLUTION** - Of Intention to annex Final Tract No. 5396 to the City of Fresno CFD No. 2, Annexation No. 92, and setting the public hearing for June 7, 2005 at 10:20 a.m. – Public Works Dept.
Action Taken:
- D. **RESOLUTION** - Of Intention to annex Final Tract No. 5310 to the City of Fresno CFD No. 2, Annexation No. 91, and setting the public hearing for June 7, 2005 at 10:15 a.m. – Public Works Dept.
Action Taken:
- E. **RESOLUTION** - To consider changing the rate and method of apportioning the special tax, and establishing a new maximum special tax for Annexation No. 73, Final Tract No. 5137 of City of Fresno Community Facilities District No. 2 – Public Works Dept.
Action Taken:
- F. Approve substitution of subcontractor for the Fresno Yosemite International, Rehabilitation of Runway 11L-29R Project, CIP No. AC00141 – Public Works Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- G. Accept annual report from Calcot, Ltd., and approve reimbursement request under Development Agreement – Public Works Dept.
Action Taken:
- H. **RESOLUTION** - Declaring an urgent necessity for the preservation of life, health or property, waiving advertised competitive bidding requirements, and authorizing the Purchasing Manager to contract for the asbestos abatement in Municipal Service Center Building “I” – General Services Dept./Purchasing
Action Taken:
- I. Consideration of proposed Copper-Chestnut No. 3B Reorganization and approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 14 acres from the Fresno County Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno (***Property located in District 6***) – Planning and Development Dept.
Action Taken:
1. **AFFIRM** the action of the City Council of June 24, 2003, adopting the environmental finding of Environmental Assessment No. R-03-09/C-03-29/T-5150, dated April 15, 2003, resulting in a Finding of Conformity
Action Taken:
 2. **RESOLUTION** – Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Copper-Chestnut No. 3B Reorganization
Action Taken:
- J. Consideration of proposed Copper-Chestnut No. 2D Reorganization and approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 5 acres from the Fresno County Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno (***Property located in District 6***) – Planning and Development Dept.
Action Taken:
1. **AFFIRM** the action of the City Council of June 18, 2004, adopting the environmental finding of Environmental Assessment No. R-03-81/T-5229, dated May 10, 2004, resulting in a Finding of Conformity
Action Taken:
 2. **RESOLUTION** – Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Copper-Chestnut No. 2D Reorganization
Action Taken:
- K. * Recommend approval of an additional \$250,000 in HOME program loan funds to Opportunity Builders to complete the construction of the Village at Kings Canyon Project - Planning and Development Dept.
Action Taken:
- L. * Approve a Home Investment Partnerships (HOME) Program Community Housing Development Organization (CHDO) Agreement for \$550,000 between the City and Fresno West Coalition for Economic Development (FWCED) for the construction of 10 single family affordable homes – Planning and Development Dept.
Action Taken:
- M. **RESOLUTION** – Approving the Final Map of Tract No. 5224 and Accepting Dedicated Public Uses Therein; Authorize the Public Works Director, Public Utilities Director, Fire Chief, and the Planning and Development Director to Execute the Necessary Documents – Planning and Development Dept.
Action Taken:
- N. * **RESOLUTION** - Approving an alternate liquidity facility in connection with City of Fresno Sewer System Subordinate Lien Variable Rate Revenue Refunding Bonds, 2000 Series A, authorizing the execution and delivery of a Standby Bond Purchase Agreement, authorizing certain other actions and the execution of certain other documents in connection therewith – Finance Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- O. * **BILL NO. B-42 – (Intro. 4/19/2005) (For adoption)** - Adopting changes and additions to the official list of truck routes for the movement of vehicles exceeding a maximum gross weight of twelve thousand pounds pursuant to Fresno Municipal Code Section 10-1303 – Public Works Dept.
Action Taken:
- P. * **BILL NO. B-40 - (Intro. 4/19/2005) (For adoption)** - Amending Section (f) of Section 7-546 of the Fresno Municipal Code relating to permissible games in a card room - Councilmember Sterling
Action Taken:
- Q. **BILL – (For introduction)** – Amending the sales tax ordinance pursuant to agreement with the County of Fresno Memorandum of Understanding (MOU) – Finance Dept.
Action Taken:
- R. Approve appointment of Michele Randel and Molly LM Smith to the Historic Preservation Commission – Mayor's Office
Action Taken:
- S. * **RESOLUTION** – 74th amendment to AAR No. 2004-209 appropriating \$600,000 and reallocating \$1,250,000 for the Belmont/Sunnyside Youth Baseball Complex/Park **(Requires 5 affirmative votes)** – PR&CS
Action Taken:

2. **GENERAL ADMINISTRATION**

- A. Report on prioritized capital projects for the Convention Center – City Manager's Office
Action Taken:
- B. Workers' Compensation coverage for volunteers and criminal offenders – Personnel Dept.
1. * **RESOLUTION** – Approving establishment of Workers' Compensation benefits for Volunteers and Criminal Offenders engaged in performing work or service for the City of Fresno in accordance with Section 3363.5 of the Labor Code
Action Taken:
2. Authorize staff to contractually extend Workers' Compensation coverage to criminal offenders engaged in performing work or service for the City of Fresno
Action Taken:

3. **CITY COUNCIL**

- A. Request the City Attorney's Office to draft legislation to regulate "indoor malls" – Council President Dages
Action Taken:
- B. Request City Manager to direct staff to present an inventory and detailed status report of City-owned (leaseable) real property to Council - Councilmember Calhoun
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION** - Appearance by Fay Baney to request the extension of an additional ten (10) years to Chapter 8, Article 1202 of the Fresno Municipal Code relating to the Mobilehome Parks Rent Review stabilization
- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 9:30 A.M. HEARING** to consider an appeal of environmental finding of Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines related to Site Plan Review Application No. S-04-399 proposing the demolition of an existing four-plex residential structure and the construction of a 2,080 square-foot office addition on property located at 1432 E. Divisadero Street – Planning and Development Dept.
Action Taken:
- 9:45 A.M. HEARING** to consider the Draft 2006-2010 Consolidated Plan – Planning and Development Dept.
(Continue to 3:00 p.m.)
Action Taken:
- 10:00 A.M.** Presentation of Employee Service Awards (Reception immediately following – 2nd floor foyer)
Action Taken:
- 10:45 A.M. HEARING** regarding adoption of a resolution amending the City of Fresno’s Nondisposal Facility Element – Dept. of Public Utilities *(Continue to May 10, 2005 at 3:45 P.M.)*
Action Taken:
- 11:30 A.M. RESOLUTION** - Supporting the “Healthy Children, Communities and Economy in the San Joaquin Valley Act of 2005” (SB 999) – Council President Dages
Action Taken:
- 2:00 P.M.#1** **CLOSED SESSION**
- A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
- Case Name:** Fresno Organization of Retired City Employees, et al. v. City of Fresno Retirement Board, et al.
 - Case Name:** Douglas G. Skaggs v. City of Fresno, administrated by AARLA
Action Taken:
- B. CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6
City Negotiator(s): Ruth F. Quinto
Employee Organization(s):
- International Association of Firefighters (IAFF) – Basic Unit
 - International Association of Firefighters (IAFF) – Management Unit
 - Fresno City Employees Association (FCEA)
 - International Union of Operating Engineers, Local 39
Action Taken:
- 2:00 P.M.#2** **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**
- 2:00 P.M.#3** **CONTESTED CONSENT CALENDAR**
- 2:45 P.M. HEARING** to consider adoption of resolutions amending the Storm Drainage and Flood Control Map and amending the drainage fees and costs for each local drainage area for all developments within the joint area of the City of Fresno and the Fresno Metropolitan Flood Control District – Public Works Dept.
Action Taken:
- RESOLUTION** - Amending the Storm Drainage and Flood Control Map and amending the drainage fees and costs for each local drainage area for all developments within the joint area of the City of Fresno and the Fresno Metropolitan Flood Control District
Action Taken:
 - * **RESOLUTION** 430th amendment to the MFS Resolution No. 80-420 to update drainage fees for the Fresno Metropolitan Flood Control District
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 3:00 P.M.** **CONTINUED HEARING** to consider the Draft 2006-2010 Consolidated Plan – Planning and Development Dept.
Action Taken:
- 3:30 P.M.#1** **HEARING** to consider Rezone Application No. R-04-74, and environmental findings, filed by Rick Aaronian, DDS, pertaining to 9.83 acres of property located on the south side of West Dakota Avenue between North Marty and North Valentine Avenues (***Property located in District 1***) – Planning and Development Dept.
Action Taken:
a. Consider and adopt Environmental Assessment No. R-04-74/C-05-49, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)
Action Taken:
b. **RESOLUTION** – Approving Conditional Use Permit Application No. C-05-49
Action Taken:
c. **BILL** - Amending the Official Zone Map to rezone the subject property from the C-1/UGM/cz (*Neighborhood Commercial/Urban Growth Management/conditions of zoning*) zone district to the C-6/UGM/cz (*Heavy Commercial/Urban Growth Management/conditions of zoning*) zone district
Action Taken:
- 3:30 P.M.#2** * **RESOLUTION** – 79th amendment to AAR No. 2004-209 to transfer \$400,000 for the Fresno Police Department's Urban Areas Security Initiative (UASI) from MISC State Grants – Police fund to the UASI Fund and to appropriate an additional \$2,100,000 to the UASI Fund (***Requires 5 affirmative votes***) – Police Dept.
Action Taken:
- 3:40 P.M.** **HEARING** to consider Rezone Application No. R-04-85, and environmental findings, filed by Roger and Barbara Palmquist and Vern Summers, pertaining to 6 parcels totaling approximately 1 acre located on the northeast corner of North Weber and West Cattern Avenues in the Herndon Township, northwest Fresno (***Property located in District 2***) – Planning and Development Dept.
Action Taken:
a. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. R-04-85
Action Taken:
b. **BILL** - Amending the Official Zone Map to rezone the subject property from the M-1/UGM (*Light Manufacturing/Urban Growth Management*) zone district to the R-1/UGM/cz (*Single Family Residential/Urban Growth Management/conditions of zoning*) zone district
Action Taken:
- 4:00 P.M.** **CONTINUED TEFRA HEARING** as required by Section 147(f) of the Internal Revenue Code of 1986 to hear and to consider information concerning the proposed issuance of industrial development bonds by the California Statewide Communities Development Authority for the purpose of financing the construction, improvement and equipping of tempering and drip-dry rooms owned and operated by Busseto Foods, Inc., and certain other matters related thereto – Finance Dept.
Action Taken:
a. * **RESOLUTION** – Approving the issuance of the California Statewide Communities Development Authority industrial development bonds in an aggregate principal amount not the exceed \$4,000,000 for the purpose of financing the construction, improvement and equipping of tempering and drip/dry rooms at facilities owned and operated by Busseto Foods, Inc. and certain other matters relating thereto
Action Taken:
- 4:30 P.M.** **CONTINUED HEARING** to consider Fresno City Planning Commission decision regarding Conditional Use Permit (CUP) Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises – Planning and Development Dept.
Action Taken:
a. **RESOLUTION** - Approving Conditional Use Permit Application No. C-02-226
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

4:45 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of April 19, 2005

Action Taken:

- A. Council receipt of the Annual Report of the Redevelopment Agency of the City of Fresno for fiscal year 2003-2004 **(Council action)**

Action Taken:

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

May	0 -	10:00 A.M.	WORKSHOP to consider implementation and use of traffic signal fees and implementation of new CFD – Council President Dages
May	10 -	10:30 A.M.	WORKSHOP regarding timing of construction of required public improvements for various land use entitlement applications" - Public Works Dept.
May	10 -	2:30 P.M.	Presentation by the Fresno County Transportation Authority Advocates Office on the education of Measure "C" 1986 through the present time – Public Works Dept. 1. Measure "C" Overview/Potential impact – Dept. of Transportation
May	10 -	2:45 P.M.	HEARING re: R-05-08, filed by the City of Fresno PR&CS Dept. (Eaton Plaza)
May	10 -	2:50 P.M.	HEARING re: R-05-13, filed by the City of Fresno PR&Cs Dept. (Park site located on the north side of E. Belmont Avenue betw. N. Sunnyside and N. Fowler)
May	10 -	3:00 P.M.	RESOLUTION regarding Fresno International Motor Sports Complex – Council President Dages
May	10 -	3:15 P.M.	WORKSHOP regarding discussion and direction relating the City of Fresno Worker's Compensation claims– Councilmember Sterling
May	10 -	3:45 P.M.	HEARING re: adoption of a resolution amending the City of Fresno's Nondisposal Facility Element – Dept. of Public Utilities
May	17 -	10:00 A.M.	Item from City Manager's Office
May	17 -	10:30 A.M.	Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling
May	17 -	2:30 P.M.	EZ Accomplishments – Dept. of Economic Dev.
May	17 -	2:45 P.M.	RDA HEARING re: proposed five year implementation plans
May	24 -		NO MEETING - MEETING CANCELLED
May	31 -		NO MEETING - MEMORIAL DAY
June	7 -	10:00 A.M.	HEARING re: Change of services for Tract 5137, Community Facilities District No. 2
June	7 -	10:15 A.M.	HEARING re: CFD No. 2, Annexation No. 91, Final Tract Map No. 5310
June	7 -	10:20 A.M.	HEARING re: CDF No. 2, Annexation No. 92, Final Tract Map No. 5391
June	7 -	10:25 A.M.	HEARING re: CFD No. 2, Annexation No. 93, Final Tract Map No. 5141
June	7 -	10:30 A.M.	HEARING to consider vacation of a portion of Tuolumne Street between the Broadway – Fulton alley and Fulton Street (R.I. 1040-D) – Public Works Dept.
June	7 -	11:00 A.M.	Direction to staff regarding proposed charter amendments – Councilmember Duncan
May	31 -		NO MEETING - MEMORIAL DAY
July	5 -		NO MEETING - COUNCIL VACATION
July	12 -		NO MEETING - COUNCIL VACATION
Aug.	2 -		NO MEETING - COUNCIL VACATION
Aug.	9 -		NO MEETING - COUNCIL VACATION
Aug.	23 -	10:30 A.M.	Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling
Sept.	6 -		NO MEETING - COUNCIL VACATION
Sept.	13 -		NO MEETING - COUNCIL VACATION
Oct.	18 -		NO MEETING - COUNCIL BREAK
Nov.	15 -	10:30 A.M.	Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling

(Future workshops – dates to be determined)

(June) **WORKSHOP** – Follow-up discussion regarding Caltrans discussion held 12/7/2004

WORKSHOP – Urban Forest

WORKSHOP regarding P.W. and Planning and Development Depts. entitlement application infrastructure requirements